

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes November 18, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, November 18, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Halverson, Perrus, Thao, Wang, Wencl; and Messrs. Commers, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver, Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Merrigan, *Porter, *Reveal, and Messrs. *Connolly, *Schertler.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Patricia James, Penelope Simison, Christina Morrison, Luis Pereira, Kate Reilly, Anton Jerve, Laura Eckert, and Angela Simons, Department of Planning and Economic Development staff.

I. Approval of minutes of October 28, 2011.

MOTION: *Commissioner Kramer moved approval of the minutes of October 28, 2011. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Commers announced that he has appointed a nominating committee to meet and discuss nominations of officers for the year 2012. Those commissioners are: Jun-Li Wang, Rich Kramer, Tony Schertler, Julie Perrus, Trevor Oliver and Jon Commers.

Chair Commers also announced that he would be abstaining from discussion and voting on the two cases where Wellington Management is the applicant. Vice Chair Wencl will chair the meeting at that point.

III. Planning Director's Announcements

Donna Drummond announced that Episcopal Homes has been awarded a HUD 202 grant to build 50-units of senior housing on the former Porky's site, which is next to their main campus.

The Industrial Zoning Study panel discussion happened last night and Commissioner Oliver was the moderator. It went extremely well, and there was a good turn out and good discussion.

Mayor Coleman will be elected the Second Vice Chair of the National League of Cities for the year 2012. In this organization the second vice chair becomes vice chair and then president.

Mayor Coleman is in line to be president of the National League of Cities in 2014.

The Lowertown Master Plan was handed out today although it is not on the agenda. Lucy Thompson thought that the commissioners should receive it ahead of time to give them more time to look it over. It will be on the agenda on December 2, 2011 to release for public hearing and then the public hearing probably will be on January 13, 2012.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

One item came before the staff Site Plan Review Committee on Tuesday, November 8, 2011:

- Peltier Wire Cloth, new warehouse addition at 4 Acker Street West..

NEW BUSINESS

#11-291-480 Catholic Charities – Modification of Conditional Use Permit to increase maximum number of individuals that can be served from 30 to 50. 215 Old 6th Street NE corner at Main. *(Luis Pereira, 651/266-6591)*

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the modification of conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#11-292-421 Interworld Development LLC – Rezoning from B2 Community Business to T2 Traditional Neighborhood. 1773 Selby Avenue between Wheeler and Fairview. *(Anton Jerve, 651/266-6567)*

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

#11-292-560 Interworld Development LLC – Variance to permit parking space in the front yard. 1773 Selby Avenue between Wheeler and Fairview. *(Anton Jerve, 651/266-6567)*

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the variance. The motion carried 14 with 1 abstention (Commerz) on a voice vote.*

#11-292-137 Wellington Management – Re-establishment of nonconforming use as a community residential facility. 180 Grotto Street South between Fairmount and Osceola. *(Kate Reilly, 651/266-6618)*

Chair Commerz announced that he will abstain from this case, and First Vice Chair Wencl will take over as chair.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of nonconforming use subject to additional conditions.*

MOTION TO AMEND: *Commissioner Wickiser moved to amend the zoning report to specify that the community residential facility is for an eating disorders program. Commissioner Kramer seconded the motion. The motion carried 14-0 with 1 abstention (Commerz) on a voice vote.*

The main motion as amended carried 14-0 with 1 abstention (Commerz) on a voice vote.

#11-291-887 Wellington Management – Conditional Use Permit to provide off-street parking that exceeds the maximum permitted. (Kate Reilly, 651/266-6618)

Chair Commerz abstained from this case too, and First Vice Chair Wencl continued to chair.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions.*

Kate Reilly, PED staff, clarified the actual number of parking spaces being requested, which is 59.

Commissioner Spaulding introduced a substitute resolution and distributed it to the commissioners.

MOTION TO AMEND: *Commissioner Spaulding moved to amend the motion from the Zoning Committee by substituting a resolution based on a modification of the staff and Zoning Committee findings. Commissioner Wang seconded the motion.*

Commissioner Spaulding read and explained the changes, which are a modification of the staff and zoning committee findings. Finding number four: the substance of the change and the key issue is the demonstration of need for the extra spaces. The applicant has demonstrated a need for approximately 59 spaces. However, the applicant has not demonstrated a clear need for all 59 spaces to be on their premises. This is a critical distinction. Alternative arrangements are clearly available to the applicant that would preserve more of the site's setting. For most of the last 40-years the facility was used by a community residential facility of reasonably similar intensity. During those decades, testimony indicated that a significant number of staff and visitors used the street as parking on a routine basis. As a matter of public policy it is reasonable for any residential or commercial use to rely on on-street parking, provided the on-street parking relied upon is in rough proportion with the scale and intensity of the use.

Staff has analyzed the amount of on-street parking available directly adjacent to the use on the same side of the street, and found 29 spaces are available in that area. In combination with an allowance for 40 spaces of off-street parking, these particular on-street spaces could more than accommodate the average of 59 spaces the applicant states will be needed to meet their average anticipated demand. The applicant has not demonstrated the need for all 59 off-street spaces. Rather, a reduced number of 40 on-site spaces would be sufficient to meet demand, and to help limit any adverse impact of the on-street parking the applicant may request that the employees and clients prioritize use of the spaces directly adjacent to the facility.

Commissioner Fernandez expressed opposition to Commissioner Spaulding's alternate resolution. He is in favor of the Zoning Committee's findings based on these reasons. Testimony at the Zoning Committee meeting was that this was something the neighborhood wanted because it was

taking parking off of the streets. There was a problem that occurred with the previous use, taking up too much on-street parking around that area. The reason that the neighborhood is behind this application is because the developers said that they could do something about the off-street parking and therefore they created additional parking spaces on their facility. If the parking spaces are limited, it isn't clear what else they would get out of the site.

Commissioner Ochs stated that, given that all three streets Fairmont, Osceola and Grotto were used for parking, he sees that the only additional need is for 8 spaces; however he thinks that Commissioner Spaulding has generously allowed for much more than that off-street. Trying to contain all of the parking spaces within the lot and not utilize the street gives the neighborhood more of an industrial character. And having cars on the street gives visibility and a presence in the neighborhood rather than a vacant look. It contributes to traffic calming -- the more vehicles parked tends to constrict the roadway and therefore drivers are more cautious and do not necessarily speed. He doesn't think that the applicant should try and change ordinances to accommodate the desires of neighbors.

Kate Reilly, PED staff, noted that the parking spaces on Osceola exist, but the properties on the south side of Osceola do not have an alley or garages. She also pointed out that the applicant stated that the deal will not work unless they have 59 spaces.

Commissioner Kramer noted that the nature of the visitors to the site is former clients, and when the former clients visit the site they are not stopping in to pick up a prescription or for a one hour counseling session. Many visitors are there for intensive counseling sessions, around 4-6 hours. Many of the clients are not restricted as to driving. It is not the typical type of community residential facility in the City of Saint Paul, where the clients have restrictions on driving. Commissioner Kramer read part of the conditional use permit application submitted by the applicant. This is a metropolitan program that draws people from all over the Twin Cities, and that will increase the number of visiting clients. He stated that this is the justification for parking beyond the maximum.

Commissioner Oliver said the key issue is trying to figure out how to determine what the needed spaces are instead of figuring out the maximum demand and trying to build a parking lot to that. And his concern is 59 being the number. Knowing that there is somewhere between a couple and 29 available spaces on the street (not to use up all 29) -- those are the numbers to look at. There are 25 vehicles that are going to be there all the time, that's a base number. The question is how many more off-street spaces are needed to strike a balance. The Commission should be mindful not to use up all the available space on the street as to not crowd out residents. Commissioner Spaulding used the maximum parking 16 as a base line and then went from there. If they use the 25 number as a base line and try to strike the balance, maybe 50 instead of 59 would be the appropriate number. Commissioner Oliver discussed alternate layouts for the proposed parking lots and suggested that building out the north side lot and counting the spaces in front would strike a decent balance.

Commissioner Nelson said that during the Zoning Committee meeting he was concerned about what constituted proof of the amount of parking required. He does not think the staff of 30 during the day and 10 at night and the issue of doors slamming and shift changes at 5:00 p.m. are valid issues. There is a difference of 20 between the daytime and the evening hours; that's a large number of parking spaces. It sounds more like they're talking about the peak. He was trying to understand what the staffing was how many people are on what shifts -- things of that sort, but

the owner did not bring that level of detail to them. They were told an average number of people that would be there during the day, which in his mind is not enough to analyze the situation

Commissioner Nelson also wanted to mitigate some of the negative impacts of all of the parking. But the city attorney advised that the only thing they could consider is the number of parking spaces not the design or ways to mitigate the number of parking spaces on the site. So at this point, the only way that the Commission has to mitigate the negative impacts of the parking spaces is by controlling the number of parking spaces. At Zoning Committee he voted for the application, but Commissioner Spaulding's analysis of what's available in the area has changed his vote.

Commissioner Perrus expressed concerns because conditional uses are generally allowed uses as long as the standards in the code are met. In the demonstration of need and in the code, is it required that on-street parking be accounted for in creating the standard.

Kate Reilly, PED staff, said that on-street parking can not be included as required parking, but when the parking code was established on-street parking was taken into consideration in developing the requirements.

Commissioner Wickiser said that his 'no' vote at the Zoning Committee had to do with the new parking code amendments and in asking staff whether or not this was going to be tough or it was going to limit use. He has a hard time saying on one hand the city is going in this strategic direction of requiring less parking and now there is a 170% parking variance. The reason for his vote was to provide some consistency.

AMENDMENT: *Commissioner Oliver moved to amend the number spaces from 59 to 50. Commissioner Spaulding seconded the motion.*

Commissioner Perrus expressed opposition to inserting a different number. She is concerned that every time one of these proposals is submitted, the Commission will try to decide how many are appropriate, and it needs to be clear that this is not a variance, this is a conditional use permit application.

Patricia James, PED staff, explained that the code is based on average use, which means sometimes more parking will be needed and sometimes it would be less. The code also included recognition that people will be parking on the street. The code provides for this as a conditional use permit, not a variance, in that there can be a wide range of parking need within a use classification. The only relevant issue is whether they have shown need, and if they can show need, then no number is too large. If they have not shown need, the permit should not be approved.

Commissioner Gelgelu expressed support for the 59 spaces, because the applicant demonstrated that there was a need. He is not comfortable relying on on-street parking.

MOTION: *Commissioner Perrus moved to call the question. The vote passed 8-6; the Commission proceeded to the vote on the Amendment.*

The vote on the Amendment for 50 parking spaces failed 6-8 on a voice vote.

AMENDMENT *Commissioner Spaulding moved to amend his substitute resolution from 40 parking spaces to 48 parking spaces. Commissioner Wang seconded the motion.*

Commissioner Spaulding said that he disagrees that they can not find a number other than 59. He believes the Commission may review competing policy directions and find an appropriate place that will satisfy the condition. He believes a need has been demonstrated for 48 parking spaces on site; a need has not been demonstrated for 59 parking spaces, for the reasons stated in the substitute resolution.

Commissioner Halverson stated that she is a strong believer that, if there is a policy, that policy should be enforced. The discussion is about how to interpret the policy, but it also appears to be just picking a number.

Commissioner Ochs expressed support for Commissioner Spaulding's amendment for 48 parking spaces.

MOTION: *Commissioner Thao moved to call the question. The motion carried on a voice vote.*

There was a vote on the substitute resolution as amended, with a total of 48 parking spaces. The motion failed 6-8 on a voice vote.

There was then a vote on the original motion, the recommendation from the Zoning Committee -- The motion carried 8-6 (Ochs, Oliver, Nelson, Spaulding, Wang and Wickiser) with 1 abstention (Commerz) on a voice vote.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on **Tuesday**, November 22, 2011.

V. Comprehensive Planning Committee

Parkland Dedication Ordinance Amendments – Approve resolution initiating a zoning study to consider amendments to Sec. 69.511, Parkland dedication requirements, of the Subdivision Regulations. (*Allan Torstenson, 651/266-6579*)

Allan Torstenson, PED staff, clarified that there are two specific amendments this proposes to study. One pertains to the parkland dedication requirement at the time of platting. The City Council found that basing the parkland dedication requirement at the time of platting on the total area of the plat would have been unreasonable for two of the eight plats that have gone through the Council since the parkland dedication requirements were adopted in 2007. This was because some of the new lots would be unchanged or were for something other than new residential, commercial or industrial development and therefore would not create a need for additional parkland. There is discussion in the staff memo and some findings in the resolution that explain why they had to grant variances in those cases. They want to avoid having to grant variances every time that comes up.

MOTION: *Commissioner Spaulding moved the Comprehensive Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

Commissioner Spaulding announced that the next Comprehensive Planning Committee meeting is Tuesday, November 29, 2011.

VI. Neighborhood Planning Committee

North End-South Como District 6 Plan – Recommendation to release for public review and set public hearing for January 13, 2012. (*Penelope Simison, 651/266-6554*)

Penelope Simison, PED staff, described the sections of the District 6 Plan. She said District 6 approached the department a year ago to do a planning study on the numbers of residential uses located within the industrial area. Most of the houses pre-date the current industrial zoning and many are in substandard condition. District 6 wanted to resolve the conflicts between residential and industrial uses in the area southwest of the Como/Front/Dale intersection. The draft plan also includes alternatives for improving the aesthetics and functioning of the Como/Front/Dale intersection, the only Neighborhood Center identified in the Comprehensive Plan within District 6. The alternatives were developed by the Metropolitan Design Center at the University of Minnesota. PED, Public Works and Ramsey County are in the process of discussing the alternatives and how they can be implemented. The alternatives can be used to implement the neighborhood center concept in the Comprehensive Plan. The other element in the draft plan is policies from the District 6 adopted plans that have yet to be implemented. The forty-acre study that accompanies the plan includes proposed zone changes along the streets within the industrial area that are almost entirely residential. The proposed zoning is consistent with the existing use. Another area addressed in the plan is south of Oakland Cemetery. This area has many conflicts between residential and industrial uses, and the draft plan proposes is that a task force be formed to specifically work on this area in the future. It is recommended that the public hearing be scheduled for January 13, 2012.

MOTION: *Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to release the draft for public review and set a public hearing for January 13, 2012. The motion carried unanimously on a voice vote.*

Commissioner Wencl announced that the next Neighborhood Planning Committee meeting is on Wednesday, December 7, 2011.

VII. Transportation Committee

Regional Transitways Guidelines – Approve resolution endorsing the Transportation Committee's comments to the Mayor. (*Christina Morrison, 651/266-6546*)

Commissioner Spaulding stated that the Metropolitan Council has led an effort to create and adopt Regional Transitway Guidelines for the development of corridors as identified in the region's 2030 Transportation Policy Plan (TPP). The guidelines will provide guidance for development of commuter rail, light-rail and bus-rapid transit. He noted that the packet summarizes the policy basis and the City's comments. Commissioner Spaulding briefly reviewed the draft comments.

Donna Drummond, Planning Director, noted that the Transportation Committee met on November 14th, the Monday after the packet was mailed out, and that there were some minor

changes to the comments based on the committee discussion. She stated that the changes were emailed out and also distributed at each commissioner's seat.

MOTION: *Commissioner Spaulding moved the Transportation Committee's recommendation to approve the resolution endorsing the Transportation Committee's comments to the Mayor. The motion carried unanimously on a voice vote.*

Christina Morrison, PED staff, announced the items on the agenda for the next Transportation Committee meeting on Monday, December 5, 2011.

VIII. Communications Committee

No report.

IX. Task Force Reports

Commissioner Wencil announced that the Near East Side Task Force met last Tuesday evening and they had a presentation by the Metropolitan Design Center which generated great discussion for the participants. Also that was their last meeting for the year.

X. Old Business

None.

XI. New Business

Commissioner Kramer said that on Tuesday he had attended the Post Office's public hearing regarding possible closing of one post office on the east side at Cedar Square. There were substantial issues that were raised and letters that were sent by the Mayor and Councilmembers Helgen, Bostrom and Lantry. Commissioner Kramer suggested that either the Neighborhood Planning Committee or Steering Committee would consider sending a letter echoing some of the concerns as the closing relates to planning, redevelopment and transit issues. There is an upcoming public hearing about closing the west side post office.

Chair Commers agreed and said that they need to articulate a perspective on that.

XII. Adjournment

Meeting adjourned at 10:20 a.m.

Recorded by Laura Eckert and Angela Simons
Prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved

12/16/11

(Date)



Anthony Fernandez
Secretary of the Planning Commission

PED\butler\planning commission\minutes\Nov. 18, 2011